

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEVON REESE,

Plaintiff,

-v-

MVB BANK INC.,

Defendant.

25-CV-2026 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Federal Rule of Civil Procedure 41(b) authorizes a district court to dismiss an action “if the plaintiff fails to prosecute or to comply with the rules or a court order.” *Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). It is settled that Rule 41(b) “gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute,” which strikes the appropriate balance “between alleviating court calendar congestion and protecting a party’s right to due process and a fair chance to be heard.” *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). As discussed at the telephone conference held on June 18, 2025, this case is dismissed without prejudice for failure to prosecute.

Attorney Meir Rubinov is directed to serve this Order on Plaintiff Devon Reese at his last known email address.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: June 18, 2025  
New York, New York



J. PAUL OETKEN  
United States District Judge